



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10

1200 Sixth Avenue, Suite 900
Seattle, Washington 98101-3140

DEC 10 2015

OFFICE OF
COMPLIANCE AND ENFORCEMENT

Reply to: OCE-101

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

NOTICE OF VIOLATION

The Honorable John Henderson
Mayor, City of Deary
300 3rd Ave
Deary, Idaho 83823

Re: August 18, 2015, NPDES Compliance Inspection
NPDES Permit Number ID0020788

Dear Mayor Henderson:

On August 18, 2015, the Idaho Department of Environmental Quality (IDEQ) inspected the City of Deary Wastewater Treatment Plant (WWTP) in Deary, Idaho on behalf of the United States Environmental Protection Agency (EPA). The purpose of this inspection was to determine the facility's compliance with the requirements of the Clean Water Act (CWA) and the National Pollutant Discharge Elimination System (NPDES) permit that applies to this site, NPDES Permit Number ID0020788. I would like to express my appreciation for your staff's time and cooperation during the inspection.

During the inspection, the IDEQ inspector evaluated the facility's operation relative to its NPDES Permit Number ID0020788. A review of the inspection report and EPA files revealed 699 violations. These findings are limited to those portions of the site covered during the inspection.

VIOLATIONS

Effluent Exceedances

Part I.A.1 states, "During the period beginning on the effective date of this permit the Permittee is authorized to discharge wastewater from Outfall 001 to Mount Deary Creek provided the discharge meets the limitations and monitoring requirements set forth herein."

Part I.B.1 states, "The permittee must limit and monitor discharges from outfall 001 as specified in Table 1, below (pages 6, 7, and 8), during the period beginning on the effective date of this permit, and lasting until the expiration date. All figures represent maximum effluent limits unless otherwise indicated. The permittee must comply with the effluent limits in the tables at all times unless otherwise indicated, regardless of the frequency of monitoring or reporting required by other provisions of this permit."

Upon review of the DMR data, the City of Deary WWTP has 690 violations for failing to meet effluent requirements as stated in the above quoted sections of the permit. Those violations are shown in the table below.

<u>Month/Year</u>	<u>Name</u>	<u>DMR Value</u>	<u>Permit Limit</u>	<u>Limit Type</u>	<u># Violations</u>
Oct 2011	BOD, 5-day, 20°C	49.4	30 mg/L	Mo Avg	31
Oct 2011	BOD, 5-day, 20°C	49.4	45 mg/L	Wkly Avg	7
Oct 2011	BOD, 5-day, 20°C	97	58 lb/d	Mo Avg	31
Oct 2011	BOD, 5-day, 20°C	97	86 lb/d	Wkly Avg	7
Mar 2014	BOD, 5-day, 20°C	98.2	58 lb/d	Mo Avg	31
Mar 2014	BOD, 5-day, 20°C	98.2	86 lb/d	Wkly Avg	7
Apr 2014	BOD, 5-day, 20°C	83.2	85%	Mo Avg Mn	30
Jan 2014	E. coli	524.7	406 #/100mL	Inst Max	1
Mar 2014	E. coli	161	126 #/100mL	Mo Geomn	31
Mar 2014	E. coli	1119.9	406 #/100mL	Inst Max	1
Jun 2014	E. coli	1413	406 #/100mL	Inst Max	1
Jan 2015	E. coli	2419.2	406 X/100mL	Inst Max	1
Feb 2015	E. coli	410.6	406 #/100mL	Inst Max	1
Jun 2013	pH	No Report	6.5 SU	Inst Min	1
Jul 2013	pH	No Report	6.5 SU	Inst Min	1
Oct 2013	pH	No Report	6.5 SU	Inst Min	1
Dec 2013	pH	No Report	6.5 SU	Inst Min	1
May 2014	pH	No Report	6.5 SU	Inst Min	1
Jul 2014	pH	No Report	6.5 SU	Inst Min	1
Sep 2014	pH	No Report	6.5 SU	Inst Min	1
Mar 2014	Solids, suspended % removal	18.4	65%	Mo Avg Mn	31
Mar 2011	Solids, total suspended	96.4	84 lb/d	Mo Avg	31
Oct 2011	Solids, total suspended	58	44 mg/L	Mo Avg	31
Oct 2011	Solids, total suspended	113.9	84 lb/d	Mo Avg	31
Nov 2011	Solids, total suspended	54	44 mg/L	Mo Avg	30
Jan 2012	Solids, total suspended	85.6	84 lb/d	Mo Avg	31
Feb 2012	Solids, total suspended	90.8	84 lb/d	Mo Avg	29
Mar 2012	Solids, total suspended	96.3	84 lb/d	Mo Avg	31
Apr 2012	Solids, total suspended	46	44 mg/L	Mo Avg	30
Apr 2012	Solids, total suspended	144.6	84 lb/d	Mo Avg	30
Apr 2012	Solids, total suspended	144.6	127 lb/d	Wkly Avg	7
Jan 2013	Solids, total suspended	102.2	84 lb/d	Mo Avg	31
Feb 2013	Solids, total suspended	105.3	84 lb/d	Mo Avg	28
Mar 2013	Solids, total suspended	115.3	84 lb/d	Mo Avg	31
Feb 2014	Solids, total suspended	129.6	84 lb/d	Mo Avg	28
Feb 2014	Solids, total suspended	129.6	127 lb/d	Wkly Avg	7
Mar 2014	Solids, total suspended	198.9	84 lb/d	Mo Avg	31
Mar 2014	Solids, total suspended	198.9	127 lb/d	Wkly Avg	7
Feb 2015	Solids, total suspended	128.3	84 lb/d	Mo Avg	28
Feb 2015	Solids, total suspended	128.3	127 lb/d	Wkly Avg	7

Quality Assurance Plan (QAP)

Part I.E.2 states, “The permittee must amend the QAP whenever there is a modification in sample collection, sample analysis, or other procedure addressed by the QAP.”

At the time of the inspection, the City of Deary WWTP had not updated the QAP to reflect the manual collection techniques that replaces the automatic techniques. Failure to update the QAP is a violation of the above named section.

Reporting Requirement

Part II.B. 1 states, "The permittee must summarize monitoring results each month on the Discharge Monitoring Report (DMR) form (EPA No. 3320-1) or equivalent or forms provided or specified by the Director for reporting results of monitoring of sludge use or disposal practices. The permittee must submit reports monthly, postmarked by the 15th day of the following month. The permittee must sign and certify all DMRs, and all other reports, in accordance with the requirements of Part IV.E of this permit ("Signatory Requirements")."

Upon review of the DMR's, the City of Deary accumulated seven violations for failure to report pH levels as required by the above quoted section of the permit and shown in the table above.

Monitoring Procedures

Part II.C. states, "Monitoring must be conducted according to test procedures approved under 40 CFR 136 or, in the case of sludge use or disposal, approved under 40 CFR 503, unless other test procedures have been specified in this permit...."

40 CFR, Part 136, Table 2 identifies a preservation temperature of $\leq 6^{\circ}\text{C}$ for a majority of the parameters required to be monitored by the permit.

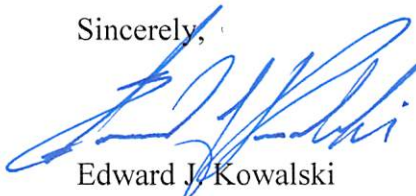
40 CFR, Part 503 lists the procedures to follow when dealing with sludge use or disposal.

At the time of the inspection, the chain of custody paperwork indicated the sample temperature was above 6°C which is the maximum allowable limit according to 40 CFR, Part 136. It is a violation of the permit section named above for the samples to be above the approved temperature of 6°C upon delivery to testing facility.

Please be advised that although the EPA exercises every precaution to ensure accurate inspection findings, we do not want to dismiss the possibility that the inspectors may have failed to observe areas of noncompliance. Although our goal is to ensure NPDES facilities comply fully with permits, the ultimate responsibility rests with the facility. The EPA retains all rights to pursue enforcement to address any violations.

If you have any questions concerning this matter, please call Raymond Andrews of my staff at (206) 553-4252.

Sincerely,



Edward J. Kowalski
Director

Enclosure

cc: Stephen Berry
IDEQ, Compliance, Inspection, Enforcement Lead

John Cardwell
IDEQ, Lewiston Regional Office

Mr. Jason Johnson
Wastewater Operator; Deary, Idaho